

CRIMINAL COMPLAINT

10-251

United States District Court		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA v. ANTHONY DOUGLAS ELONIS		DOCKET NO.	
		MAGISTRATE'S CASE NO. 1835 10-1885 -M	
Complaint for violation of Title 18 United States Code § 875(c). By _____ Clerk Sp. Clk.			
NAME OF JUDGE OR MAGISTRATE Honorable Henry S. Perkin		OFFICIAL TITLE U.S. Magistrate Judge	LOCATION Allentown, PA
DATE OF OFFENSE In or about October and November, 2010	PLACE OF OFFENSE Allentown and Bethlehem, PA	ADDRESS OF ACCUSED (if known) 2073 Schwab Avenue, Bethlehem, Pennsylvania	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: In or about October through in or about November 2010, defendant ANTHONY DOUGLAS ELONIS, did knowingly and intentionally, using a computer as defined in Title 18, United States Code, Section 1030(e)(1) via the Intranet, transmitted in interstate commerce communications containing threats to injure the person of another including the following threat posted on one of his Facebook pages: "That's it, I've had about enough, I'm checking out and making a name for myself / Enough elementary schools in a ten mile radius / to initiate the most heinous school shooting ever imagined / And hell hath no fury like a crazy man in a Kindergarten class / The only question is . . . which one?" . All in violation of 18 U.S.C. Section 875(c).			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: SEE PROBABLE CAUSE AFFIDAVIT ATTACHED.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) <i>Denise M Stevens</i> Denise Stevens	
		OFFICIAL TITLE Special Agent, FBI	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE (1) <i>H. Perkin</i> Honorable Henry S. Perkin, United States Magistrate Judge		DATE 12/8/2010	

1) See Federal Rules of Criminal Procedure rules 3 and 54.

PROBABLE CAUSE AFFIDAVIT

Denise M. Stevens, being duly sworn deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") assigned to the Philadelphia Division, Allentown Resident Agency (ARA). I have been employed as a Special Agent for over fourteen years. As a Federal Agent, I am authorized to investigate violations of laws in the United States including interstate communications containing threats, and other crimes, and make arrests under the authority of the United States.

A. BACKGROUND

2. I am a case agent in the investigation of the threats being made on the Facebook page belonging to Anthony Douglas Elonis and as such I am familiar with the information contained in this affidavit through personal investigation, from discussions with other Special Agents of the FBI, and security personnel of Dorney Park and Wildwater Kingdom Security Patrol and through other investigative techniques.

3. I make this affidavit in support of a criminal complaint to arrest Anthony Douglas Elonis for violations of Title 18, United States Code, Sections 875(c), interstate communication of threats. The statements contained in this affidavit are based upon my investigation, information provided by other FBI agents, and on my experience and training as a Special Agent of the FBI.

4. Since this affidavit is being submitted for the purpose of establishing probable cause for a criminal complaint, I am not including each and every known fact to me in this investigation.

B. DETAILS OF THE INVESTIGATION

5. From on or about February 6, 2010 to on or about October 17, 2010, Anthony Douglas Elonis was employed as a supervisor in the operations department with Dorney Park and Wildwater Kingdom (hereinafter "Dorney Park") in Allentown, Pennsylvania. His employment was terminated by Dorney Park on or about October 17, 2010.

6. On or about October 27, 2010, Dorney Park, Chief of Park Patrol, Daniel Hall contacted the Federal Bureau of Investigation to report that Elonis was posting statements on his Facebook page that he considered "disturbing" and "threatening" against Dorney Park. On several other occasions, including on or about November 30, 2010, Hall contacted FBI again to report additional statements posted on Elonis' Facebook page, outlined in paragraphs 9 (b) through (d) below, as also "disturbing" and "threatening."

7. Facebook is a social networking service and website. Users create personal profiles and are able to communicate and exchange information including messages and pictures with other Facebook users. Facebook allows its users to create their own privacy settings; controlling who has access to different parts of their Facebook pages; various parts of an individual's Facebook pages can be listed as public or private. Facebook users become each other's "friends" meaning they have

access to information on their "friends" pages that are only accessible to mutually designated "friends" because a user designates them as "private."

8. Elonis' Facebook page has both public and private settings. Anyone can access the public pages. The parts of Elonis' Facebook page that are accessible by anyone include his "Info" section and "Wall." Elonis' has made other parts of his Facebook pages "private." These "private" pages include his photos section and his "notes" section. Hall is listed as a "friend" of Elonis on his Facebook page. As Elonis' Facebook "friend," Hall has access to content on Elonis' Facebook pages designated both public and private. Hall provided copies of various Facebook postings on Elonis' Facebook pages, to your affiant. Some of these posts follow:

- a. Posted on or about October 19, 2010: "Someone once told me that I was a firecracker. Nah, I'm a nuclear bomb and Dorney Park just fucked with the timer." "If I was the General Manager, I'd be on the phone with Sandusky discussing a damage control plan, but I'm not, and y'all haven't heard the last of Anthony Elonis."
- b. Posted on or about October 20, 2010, "(This one needs its own disclaimer. These are fictitious lyrics and I am only exercising my Constitutional right to Freedom of Speech. Ready?) BOOM! BOOM! BOOM! You got the towers baby I got the planes and the 2010 season going out with a *explosion* *static* We are live on the scene here at (censored) in Allentown, Pe...".
- c. Posted on or about October 22, 2010: "Didn't I tell y'all I had several? Y'all sayin I had access to keys for all the fuckin' gates. That I have sinister plans for all my friends and must have taken home a couple. Y'all think it's too dark and foggy to secure your facility from a man as mad as me? You see, even without a paycheck, I'm still the main attraction. Whoever thought the Halloween Haunt could be so fuckin' scary?

9. I have personally viewed the Facebook pages associated with Elonis Facebook user webpages. In addition to reviewing the posts outlined above, other posts included:

- a. Posted on or about November 6, 2010:

Hi, I'm Tone Elonis.

Did you know that it's illegal for me to say I want to kill my wife?

It's illegal.

It's indirect criminal contempt.

It's one of the only sentences that I'm not allowed to say.

Now it was okay for me to say it right then because I was just telling you that it's illegal for me say I want to kill my wife.

I'm not actually saying it.
I'm just letting you know taht it's illegal for me to say that.
It's kind of like a public service.
I'm letting you know so that you don't accidentally go out and say something like that
Um, what's interesting is that it's very illegal to say I really, really think someone out there should kill my wife.
That's illegal.
Extremcly illegal.
Very, very illegal.
But not illegal to say with a mortar launcher.
Because that's its own sentence.
It's an incomplete sentence but it may have nothing to do with the sentence before that.
So that's perfectly fine.
Perfectly legal.
I also found out that it's incredibly illegal, extremely illegal to go on Facebook and say something like the best place to fire a mortar launcher at her house would be from the cornfield behind it because of easy access to a getaway road and you'd have a clear line of sight through the sun room.
Insanely illegal.
Ridiculously, wrecklessly, insanely illegal.
Yet even more illegal to show an illustrated diagram.

[Posting shows a computer generated "diagram" listing "house," "cornfield" and "getaway road."]

Insanely illegal.
Ridiculously, horribly felonious.
Cause they will come to my house in the middle of the night and they will lock me up.
Extremely against the law.
Uh, one thing that is technically legal to say is that we have a group that meets Fridays at my parent's house and the password is sic semper tyrannis.¹

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A protection from abuse order was issued by the Court of Common Pleas of Berks County on or about November 4, 2010 for three years against Elonis by his wife Tara Elonis. The PFA was issued to protect Tara Elonis and their two children, ages 6 and 8.

- b. On or about November 15, 2010:

Fold up your PFA and put it in your pocket
Is it thick enough to stop a bullet?
Try to enforce an Order
that was improperly granted in the first place
Me thinks the Judge needs an education
on true threat jurisprudence
And prison time'll add zeros to my settlement
which you won't see a lick
cause you suck dog dick in front of children
And if worse comes to worse
I've got enough explosives
to take care of the State Police and the Sheriff's Department.

- c. Posted on or about November 16:

That's it, I've had about enough
I'm checking out and making a name for myself
Enough elementary schools in a ten mile radius
to initiate the most heinous school shooting ever imagined
And hell hath no fury like a crazy man in a Kindergarten class
The only question is...which one?"

- d. Posted on or about November 20, 2010:

Drivin' 90 on the highway
Ain't nothin' gonna stop me
I'm findin' the perfect victim
Then it shimmered in the distance
The tell tale signs of a light bar
make a smile come ear-to-ear
Take a breathe, grip the wheel, and swerve
My minivan done jump the curb
for a head-on collision with a Cruiser
Ain't no seatbelt or Push Bumper
Gonna stop your brain from disintegrating
as it hits the back of your skull
What?
My life ain't over yet
Take possession of the body of the notifying Officer
to get your family in my car
Take a shortcut to the Morgue

Rape and murder your wife and daughter
Dump the bodies in the woods
And when I'm done havin' my fun
bein' no good piggy scum
I'm a return to the body of Anthony Elonis
And on the third day I'd rise
Just like I was Jesus Christ
lookin' for another Cop to kill

10. On or about November 30, 2010, I, along with another agent, went to Elonis' residence to interview him. Upon arrival, we were initially informed that Elonis was sleeping and that he would need to get dressed first. Agent Van Durme and I waited several minutes on the front porch of the residence. Elonis did finally come out of the residence, onto the porch. After identifying myself as an FBI Special Agent, Elonis asked if I was a law enforcement officer, to which I responded yes. Elonis then asked if he was free to go, to which I responded yes. Elonis then said thank you very much, entered the residence and closed the door.

11. After visiting Elonis, that same day, the following post appeared on Elonis' Facebook page:

Little Agent Lady
You know your shit's ridiculous
when you have the FBI knockin' at yo' door
Little Agent lady stood so close
Took all the strength I had not to turn the bitch ghost
Pull my knife, flick my wrist, and slit her throat
Leave her bleedin' from her jugular in the arms of her partner
(laughter)
So the next time you knock, you best be serving a warrant
And bring yo' SWAT and an explosives expert while you're at it
Cause little did y'all know, I was strapped wit'a bomb
Why do you think it took me so long to get dressed with no shoes on?
I was jus' waitin' for y'all to handcuff me and pat me down
Touch the detonator in my pocket and we're all goin'
(BOOM!)
Are all the pieces comin' together?
Shit, I'm just a crazy sociopath
that gets off playin' you stupid fucks like a fiddle
And if y'all didn't hear, I'm gonna be famous
Cause I'm just an aspiring rapper who likes the attention
who happens to be under investigation for terrorism
cause y'all think I'm ready to turn the Valley into Fallujah
But I ain't gonna tell you which bridge is gonna fall

into which river or road
And if you really believe this shit
I'll have some bridge rubble to sell you tomorrow
(BOOM!)(BOOM!)(BOOM!)

12. All the Facebook posts documented above were made to the Facebook page of user name, Anthony Elonis which was later changed, on or about November 17, 2010, to user name "Tone Dougie." Facebook assigns a User Id number to each Facebook account holder. The Facebook User Id number associated with all documented posts contained herein, for user "Anthony Elonis" and later "Tone Dougie" is 1000014085555614.

13. On or about December 02, 2010, a subpoena was issued to Facebook for basic subscriber information for the individual assigned User Id 1000014085555614 and using the name "Tone Dougie" as well as the associated Internet Protocol (IP)² addresses used by Elonis to post the various threats outlined above. Facebook provided, in part, the following results:

a. On or about November 15, 2010 – the post outlined in paragraph 14(b) above was posted via a computer using Internet Protocol Address 68.245.16.226.

b. On or about November 16, 2010 – the post outlined in paragraph 14(c) above was posted via a computer using Internet Protocol Address 173.142.210.104.

c. On or about November 20, 2010 – the post outlined in paragraph 14(d) above was posted via a computer using Internet Protocol Address 108.127.236.164.

14. A search of the American Registry for Internet Numbers (ARIN) online database indicated that IP addresses 68.245.16.226, 173.142.210.104 and 108.127.236.164 used by Elonis to post on his Facebook page resolve to Sprint Wireless.

15. Results received on or about December 3, 2010 from a subpoena sent to Sprint Nextel Corporate Security for the date and times posts were made using IP addresses 68.245.16.226, 173.142.210.104, 108.127.236.164 revealed that, on the date and time of the respective posts, the IP address was assigned to the Sprint Wireless account registered to Anthony Elonis, 125 W. Franklin Street, Apartment 3, Topton, Pennsylvania 19562, Elonis' previous address. Additional information received from Sprint shows Elonis is using a HTC EVO mobile device assigned Electronic Serial Number (ESN) 270113178910247830.

2

"Internet Protocol address" or "IP address" refers to a unique number used by a computer to access the Internet. IP addresses can be dynamic, meaning that the Internet Service Provider (ISP) assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be static, if an ISP assigns a user's computer a particular IP address which is used each time the computer accesses the Internet.


16. Your affiant respectfully submits that there is probable cause to believe that Anthony Douglas Elonis has violated Title 18, United States Code, Section 875(c) and requests that a warrant for his arrest be issued.

17. You affiant also respectfully requests that this affidavit and accompany criminal complaint and warrant be sealed for the protection of law enforcement serving the complaint and those identified in the affidavit as providing information, until further order of the court.



DENISE M. STEVENS
SPECIAL AGENT, FBI

Sworn to and subscribed
before me this 8th day
of December 2010.



THE HONORABLE HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE